

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

3 OWEN P. MARTIKAN (CSBN 177104)
Assistant United States Attorneys

4 5 6 7 8
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7241
Facsimile: (415) 436-7234
owen.martikan@usdoj.gov

9
Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No.: CR 08-0358 PJH
14)
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME
17 CLARENCE RUSTY TOMLIN,)
18 Defendant.)
19

20
21 On June 4, 2008, the parties in this case appeared before the Court for a status conference.
22 The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial
23 Act calculations from June 4, 2008, through July 2, 2008, for effective preparation of defense
24 counsel. The parties represented that granting the continuance was the reasonable time necessary
25 for effective preparation of defense counsel, taking into account the exercise of due diligence.
26 See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by

27 //
28 //

1 granting such a continuance outweighed the best interests of the public and the defendant in a
2 speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

3 SO STIPULATED:

4

5

6

7 DATED: 6/26/08

8

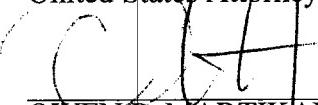
9

10 DATED: 6-26-08

11

12

JOSEPH P. RUSSONIELLO
United States Attorney


OWEN P. MARTIKAN
Assistant United States Attorney


BARRY J. PORTMAN
Federal Public Defender
Attorney for Clarence Rusty Tomlin

13

[PROPOSED] ORDER

14 As the Court found on June 4, 2008, and for the reasons stated above, an exclusion of time
15 from June 4, 2008, through July 2, 2008, is warranted because the ends of justice served by the
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18
17 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense
18 counsel the reasonable time necessary for effective preparation, taking into account the exercise
19 of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

20

21

SO ORDERED.

22

23

24 DATED: _____

25

26

27

28

HON. PHYLLIS J. HAMILTON
United States District Judge